

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: **Club 701, Basement and Ground Floors, 516 Old Kent Road, SE1 5BA**
Licensee: **Erico Entertainment Limited**
DPS: **Alfred Mansaray**

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee / DPS is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending:

(Sign)



(Print) **Wesley McArthur**

Person(s) Present:

(Sign)



(Print)

Alfred Mansaray

(Sign)

(Print)

Date of Meeting: **8 July 2016**

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 13/08/16 Time Served: 23 05 hours

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC LYNN H 246ND

Signature: [Redacted] 246ND

Name (if applicable) and address of the affected premises:
701, 516 OLD HEATH ROAD SE15BA

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

- 297 - DRUGS WEAPONS PURSUIT BOX SHOULD BE IN USE.
- 341 - 6 SIX SIA STAFF SHOULD BE ON DUTY FROM 2200hrs
- 342 - ID SCANNER TO BE USED STAFF, PUBLIC PROMOTERS DJS.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

- 297 - NO DRUGS WEAPONS BOX / 342 - ONLY TWO 2
- SIA SECURITY STAFF ON DUTY AT 2200 HOURS / 342 - STAFF
- PROMOTERS DJS NOT BEING SCANNED PRIOR TO ENTRY

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

- 297 - OBTAIN DRUGS BOX / 341 ENSURE 6 SIX SIA STAFF
- ARE ON DUTY AS OF 2200 HOURS / 342 - ID SCAN ALL PERSONS
- ENTERING PREMISES STAFF AND OTHERWISE.

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) ALFOOD MANSARAY.

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name ERIC DOE

Signature

Date 13 08 16.

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 10/09/16 Time Served: 03:10h

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PLYNCH 246MD

Signature: [Redacted] 246MD

Name (if applicable) and address of the affected premises:
701 CLUB Sib Old Hart Road S97
S97 5BA

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

289 - All CCTV footage shall be kept for 31 DAYS / 391 - minimum 6 SIA
area standards manual / 347 - ID SCANNING SYSTEM TO BE USED
FOR ALL PERSONS ENTERING

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

289 - UNABLE TO PRODUCE CCTV FOOTAGE 29 DAYS BEFORE 5th OCTOBER 2016
291 - ONLY 4 DOOR SIA ON DUTY / 342 - NO ID NO ENTRY NOT BEING
ADVISED TO - SOME PHOTO NO ID

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

MAINTAIN CCTV TO LIQUOR CONDITIONS 31 DAYS RECORDING / SIA
SIA DOOR STAFF TO BE ON DUTY FROM 22:00 / ID SCANNING
TO BE USED AS PER LICENCE

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) YES DUB

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name ALFREDO MANISARY

Signature: [Redacted]

Date 10/09/16

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 23/10/16 Time Served: 02:54

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC LYNCH 246MD

Signature:  246MD

Name (if applicable) and address of the affected premises:
CLUB 701 - 516 AND KENT ROAD
SE1 5BA

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

359-11A ON SATURDAY FROM 02:00AM THROUGH
SHOULD BE NO NEW ENTRY TO PREMISES.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

OBSERVED A NUMBER OF MALES ENTER PREMISES
ON NIGHT TIME - SEEM TO BUY AND BE SOLD
TRINKETS

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

NO ENTRY AFTER 02:00 ON SATURDAY/SUNDAY
MORNING

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) ERIC DOG

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name ALFRED WILSON

Signature 

Date 23/10/2016

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: 701 Club, 516 Old Kent Road SE1 5BA
Licensee: Erico Entertainment Limited
DPS: Ahmed Mansaray

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
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- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending:

(Sign)



(Print)

Richard Kahn

Person(s) Present:

(Sign)



(Print)

Ahmed Mansaray

(Sign)

(Print)

Date of Meeting:

26 November 2016



Eric Doe
Club 701
Basement and Ground Floors
516 Old Kent Road
London
SE1 5BA

Licensing Unit
Direct Dial - 020 7525 5748
Facsimile - 020 7525 5705

16 May 2018

Dear Mr Doe

Simple Caution
Section 136 (1) (a) and (b) of the Licensing Act 2003

The facts surrounding the alleged offence(s), briefly described in the attached document, have been reported to me by an officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegation. This course of action is subject to your agreement and admission of the alleged offence.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to attend our office and sign the declaration attached or an officer may be able to meet you elsewhere. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.

Yours faithfully,



David Littleton
Head of Regulatory Services

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director Environment & Social Regeneration - Deborah Collins

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	[REDACTED]
OFFENDER'S SURNAME:	[REDACTED]
FORENAME(S):	[REDACTED]
NATIONAL INSURANCE No.	[REDACTED]
OCCUPATION:	PREMISES LICENCE HOLDER
ADDRESS:	[REDACTED]
DATE OF BIRTH:	Insert: [REDACTED]

DATE OF OFFENCE(S):	2 September 2017 19 November 2017 11 November 2017
PLACE OF OFFENCE(S):	CLUB 701, 516 OLD KENT ROAD LONDON SE1 5BA
BRIEF CIRCUMSTANCES OF OFFENCE(S):	2 September 2017 at 00:20hrs 19 November 2017 at 01:51hrs 11 November 2017 at 00:55hrs Breach of licensing conditions This matter potentially constitutes a breach of the licence issued under the Licensing Act 2003 by this Council in respect of the above named premises. Relevant offence breach: <u>Section 136 (1) (a) and (b) of the Licensing Act 2003</u>

Ministry of Justice guidance on simple cautions (issued 8th April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information

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4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

Further information relating to certain cautions

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

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SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

DECLARATION:

I have read and understand all this information.
I hereby declare that I (insert name)

[REDACTED]

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: [REDACTED] SIGNED: [REDACTED]
(Block capitals)

DATED THIS 06/0 DAY of JULY 2018

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: David Littleton SIGNED: [REDACTED]

DESIGNATION: HEAD OF REGULATORY SERVICES

DATED THIS 7 DAY of JUNE 2018

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director Environment & Social Regeneration - Deborah Collins

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

Request to Authorise the Instigation of Legal Proceedings / Or a Simple Caution

CASE London Borough of Southwark V Mr Eric Doe

Location ID 9232

PART A:

1. Alleged Offence(s) including statute details

Licensable activities were carried on at the premises without authorisation contrary to Section 136(1) (a) and (b) of The Licensing Act 2003.

A person commits an offence if -

he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or knowingly allows a licensable activity to be so carried on.

2. Place and Date of Offence

Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA

2 September 2017 at 00:20hrs

19 November 2017 at 01:51hrs

11 November 2017 at 00:55hrs

The alleged activities taking place at the premises were contrary to Section 136 (1) (a) and (b) of the Licensing Act 2003 which states that:

A person commits an offence if;

(a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or

(b) Knowingly allows a licensable activity to be so carried on

3. Offender(s)

Mr Eric Doe – Premises Licence Holder (Person in charge)

Offence date - **2 September 2017 at 00:20hrs**

19 November 2017 at 01:51hrs

11 November 2017 at 00:55hrs

Case Officer Richard Kalu [REDACTED] Date: 26/04/2018

Team Leader David Franklin [REDACTED] Date: 26/04/2018

Unit Manager (Sarah Newman) [REDACTED] Date: 11/05/2018

Service Manager (David Littleton) Date:

Comments

PART B

1 Background

The premises consist of a ground floor premises leading into an open plan bar and dancing area via a front entrance into the premises.

The current licence in respect of the premises known as the Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA was issued on the 19 February 2016. The premises licence granted permitted the following licensable activities:

Plays - Indoors

Wednesday 22:00 - 02:00
Thursday 22:00 - 04:00
Friday 22:00 - 04:00
Saturday 22:00 - 04:00
Sunday 22:00 - 01:00

Films - Indoors

Wednesday 22:00 - 02:00
Thursday 22:00 - 04:00
Friday 22:00 - 04:00
Saturday 22:00 - 04:00
Sunday 22:00 - 01:00

Live Music - Indoors

Wednesday 22:00 - 02:00
Thursday 22:00 - 04:00
Friday 22:00 - 04:00
Saturday 22:00 - 04:00
Sunday 22:00 - 01:00

Recorded Music - Indoors

Wednesday 22:00 - 02:00
Thursday 22:00 - 04:00
Friday 22:00 - 04:00
Saturday 22:00 - 04:00
Sunday 22:00 - 01:00

Performance of Dance - Indoors

Wednesday 22:00 - 02:00
Thursday 22:00 - 04:00
Friday 22:00 - 04:00
Saturday 22:00 - 04:00
Sunday 22:00 - 01:00

Entertainment Similar to live/recorded music / dance - Indoors

Wednesday 22:00 - 02:00
Thursday 22:00 - 04:00
Friday 22:00 - 04:00
Saturday 22:00 - 04:00
Sunday 22:00 - 01:00

Late Night Refreshment - Indoors

Wednesday 23:00 - 02:00
Thursday 23:00 - 04:00
Friday 23:00 - 04:00
Saturday 23:00 - 04:00
Sunday 23:00 - 01:00

Sale by retail of alcohol to be consumed on premises

Wednesday 23:00 - 02:00
Thursday 23:00 - 04:00
Friday 23:00 - 04:00
Saturday 23:00 - 04:00
Sunday 23:00 - 01:00

On the 28 September 2017 a warning letter was sent to the operator of the premises Mr Eric Doe in relation to breaches of his premises licence following a visit to the premises on the 2 September 2017.

On the 19 November 2017 a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 was issued to Mr Eric Doe by night time economy police officers carrying out an inspection of his premises.

On the 12 December 2017 a warning letter was sent to the premises licence holder in relation to breaches of the premises licence following a visit to the premises on the 11 November 2017.

On the 18 December 2017 a variation application was determined at licensing sub - committee to refuse a variation application to extend their permitted licensable hours and to add electronic shisha smoking at the premises. The Licensing Sub - Committee resolved to allow some amendment to the conditions on the premises licence in relation to SIA staffing.

A letter of alleged offence was sent to the premises licence holder Mr Eric Doe on the 28 September 2017 alleging offences at his premises and inviting him in to attend a PACE interview.

On the 14 February 2018 Mr Eric Doe attended offices at Southwark Council on 160 Tooley Street, London, SE1 2QH. Under PACE interview conditions Mr Eric Doe was asked about the offences which were witnessed taking place at his premises. Mr Eric Doe admitted that all the offences put to him had occurred at his premises. Mr Eric Doe confirmed that as Premises Licence Holder he took full managerial responsibility for allowing these offences to take place at his premises.

2 Brief Summary

On the **2 September 2017 at 00:20hrs** council officers undertook an inspection to determine whether the licensable activities at your premises were carried out in accordance with the premises licence issued in respect of your premises.

In the course of the inspection officers witnessed the below breaches of the premises licence issued in respect of your premises;

The clock on your CCTV within your premises was three minutes slow which is a breach of **Condition 288** of your premises licence which states;

That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas.

No accommodation limit had been set or was in use at the premises. Only one counting device (to count customers 'in') was being used at the premises. No 'out' clicker was being used in conjunction with the 'in' clicker, so there was no way to ascertain an accurate tally of customers at the premises.

This was in breach of **Condition 307** of your premises licence which states;

That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy. Staff at the premises hadn't undertaken a recognised training scheme in regards to the sale of alcohol.

This was a breach of **Condition 344** of your premises licence which states;

That all staff concerned in the sale or supply of intoxicating liquor shall undertake a recognised training scheme for such duties. Records of such training should be kept at the premises and made available for inspection to police, council or other authorised officers on request.

Beverages were witnessed being consumed in the smoking area.

This was a breach of **Condition 345** of your premises licence which states;

That no beverages will be consumed in the smoking area. Patrons will be encouraged to leave this area as soon as practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation.

Acoustic seals, brushes & self closers were not installed on relevant doors.

This was a breach of **Condition 349** of your premises licence which states;

That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

Drinks were being permitted outside (in the smoking area).

This was a breach of **Condition 353** of your premises licence which states;

That no drinks shall be permitted outside at any time.

There was no dispersal policy in place at the premises.

This was a breach of **Condition 357** of your premises licence which states;

That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

No pre-opening security checks had been undertaken or logged at your premises.

This was a breach of **Condition 379** of your premises licence which states;

That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

Not all promotional material identified the location of car parks in the area or other travel facilities

This was a breach of **Condition 392** of your premises licence which states;

That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.

There was no refusal register available at your premises.

This was a breach of **Condition 4A1** of your premises licence which states;

That a register of refused sales of alcohol shall be maintained at the premises and shall include the time and date of any refused sale of alcohol, the reason the sale was refused and the name of the member of staff who refused the sale. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.

No staff training records were available in respect of the Licensing Act 2003 or the terms and conditions of the premises licence issued in respect of the premises.

This was a breach of **Condition 793** of your premises licence which states;

That all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months.

The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and / or the council upon request.

On the **19 November 2017 at 01:51hrs** Metropolitan Police officers visited your premises to carry out a routine licensing inspection. In the course of the inspection officers witnessed breaches of your premises licence.

When officers entered your premises they witnessed patrons within your premises wearing hats.

This was a breach of **Condition 373** of your premises licence which states;

That customers shall not be permitted to wear hats or hoods whilst inside the venue.

Officers all requested to see footage from the CCTV system installed at your premises. Officers were advised that CCTV footage for 31 days could not be shown as the premises had changed over its hard - drive.

This was a breach of **Condition 289** of your premises licence which states;

All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

On **Friday 11 November 2017 at 00:55hrs** council officers visited your premises to undertake an inspection of your premises and witnessed only three SIA staff working within your premises.

This was a breach of **Condition 341** of your premises licence which states;

That a minimum of 6 SIA registered door supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment.

Officers undertook a check of the ID scanning system in operation at the premises and noted that patrons and staff entering into the premises were not being scanned through the ID scanning system required to be in place and in operation at the premises.

This was a breach of **Condition 342** of your premises licence which states;

That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and/or if the person's details are already stored on the system and they are identified using a biometric identification system.

Officers also requested to see footage from the CCTV system installed at the premises. At the time of the inspection no staff were able to gain access to the CCTV system and did not know how to operate the CCTV system within the premises.

This was a Breach of **Condition 289** which reads;

All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request. At the time of the inspection officers requested to know the approximate numbers of patrons within the premises. It was noted that comprehensive records were not available detailing patrons entering into the premises.

This was a breach of **Condition 307** which reads;

That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

In the course of the inspection officers requested to see staff training records and were advised that these could not be provided;

This was a breach of **Condition 793** which states;

That all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months. The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and/or the council upon request.

Mr Eric Doe has shown remorse for his actions and has accepted that changes are required at his premises. The licensing unit have been informed that Mr Eric Doe proposes that he will no longer leave day to day management control of the premises to his Designated Premises Supervisor. Mr Eric Doe has confirmed that when the premises is operational he will be at the premises.

Mr Eric Doe has accepted full responsibility for the offences which have been committed at his premises.

Discussion has taken place with Mr Eric Doe and he has been advised that should further offences or breaches of his premises licence be witnessed at the premises, the licensing unit would need to consider if instigating legal proceedings would be appropriate.

Mr Eric Doe has been informed that in this particular case the officer recommendation will be for a Simple Caution and he has indicated a willingness to accept the caution. Mr Eric Doe has been advised that in the event of a similar offence re-occurring at the premises and a decision to prosecute taken, this offence would be cited as a first offence.

3 Other Matters (including brief details of special circumstances and/or previous convictions)

A licensing inspection was carried out at the premises on the 14 April 2018. Officers carried out a full licensing inspection and the premises was found to be compliant. A compliance letter was issued to the Premises Licence Holder on the 14 April 2018.

4 Conclusions

Mr Eric Doe has admitted to the offence of breach of licensing conditions – Contrary to Section 136 (1)(a) and (b) of the Licensing Act 2003 at his premises when he had active control of the premises as the Premises Licence Holder.

5 Recommendations

Taking into consideration that Mr Eric Doe has admitted the offence, and now implemented measures to ensure that breaches of his premises licence conditions do not occur again.

Under these circumstances it seems contrary to the public good to proceed to prosecution and incur the loss of officer time and expenses in doing so, when in this case a simple caution would seem to provide an expedited conclusion.

I recommend that a Simple Caution is offered to Mr Eric Doe for the offences witnessed at the Club 701 on the **2 September 2017 at 00:20hrs, 19 November 2017 at 01:51hrs & 11 November 2017 at 00:55hrs.**



Notification of alleged offences under the Licensing Act 2003

Venue Name: Club 701 REF: (CAD/CRIS etc.)

Address: S16 OLD Kent Road, London

SE15BA Date: 28/8/18 Time: 01:19

Details of person in charge at the relevant time: Mr Alfred Mansaray

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

Opening the club on a Bank holiday Monday 27th August 2018 going into Tuesday 28th August 2018 with out a license todo so.

Issuing officer:

Print: PC GERTY 7821C

I acknowledge receipt of this form: (venue)

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

Mr Alfred Mansaray


Licensing Unit
Direct Dial - 020 7525 2436
Facsimile - 020 7525 5705

10 June 2019

Dear Mr Mansaray,

Simple Caution

Section 136 (1) (a) of The Licensing Act 2003, which states that:

"A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or*
- (b) knowingly allows a licensable activity to be so carried on.*

The facts surrounding the alleged offences, briefly described in the attached document, have been reported to me by an Officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegations. This course of action is subject to your agreement and admission of the alleged offences.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to sign the declaration attached. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.

Yours faithfully,



David Littleton
Head of Regulatory Services
licensing@southwark.gov.uk

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

	<p>Section 138 of the Licensing Act 2003 – Keeping Alcohol on a premises for an unauthorised sale.</p> <p>On the 18th February 2019, Mr Mansaray attended our office for an interview under caution where the allegations were put to him. Mr Mansaray made a full and frank admission and has therefore accepted the offence as his responsibility.</p>
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Ministry of Justice guidance on simple cautions (issued 8th April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information
4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

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**SOUTHWARK COUNCIL
SIMPLE CAUTION (INDIVIDUAL)**

CASE REFERENCE:	
OFFENDER'S SURNAME:	[REDACTED]
FORENAME(S):	[REDACTED]
NATIONAL INSURANCE No.	[REDACTED]
OCCUPATION:	Designated Premises Supervisor
ADDRESS:	[REDACTED]
DATE OF BIRTH:	[REDACTED]

DATE OF OFFENCES:	28 August 2018
PLACE OF OFFENCE(S):	Club 701, 516 Old Kent Road SE1 5BA
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>On the 28th August 2018 during a police visit from the Night Time Economy Team following the Notting Hill Carnival it was witnessed that the above premises was operating licensable activities without authorisation. On the premises licence condition 396 stipulates: That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Year's Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.</p> <p>The following breaches to the premises licence were committed contrary to:</p> <p>Section 136 (1) (1) of the Licensing Act 2003 states that:</p> <p>"A person commits an offence if –</p> <p>(a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or</p> <p>(b) knowingly allows a licensable activity to be so carried on."</p> <p>Section 137 of the Licensing Act 2003 – Exposing Alcohol for retail without authorisation, and;</p>

SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

DECLARATION:

I have read and understand all this information.
I hereby declare that I (insert name)

Alfred Mansaray

I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: 
(Block capitals)

SIGNED: 

DATED THIS 11 DAY of June 2019

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON

SIGNED: 

DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS 11 DAY of June 2019

caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

Further information relating to certain cautions

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

Licensing Unit induction checklist for new licensees / management.

Premises Name: Club 701.....

Address: Basement and Grounds Floors, 516 Old Kent Road SE1 5BA.....

Licensee: Erico Entertainment Limited.....

DPS: Alfred Masarais.....

1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 21, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also the outcome if we find things wrong – what happens next?

- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss

Leave calling cards:

Officer(s) Attending: (Sign).....

(Print).....

Persons Present: (Sign)....

(Print).....

Date of Meeting:

11 June 2019